

REMARKS

Claims 1-27 and 30-34 are now presented for examination. Claims 28 and 29 have been cancelled without prejudice and without disclaimer of subject matter. Claims 1, 3, 6, 9, 11, 12, 14, 15, 20-22, 30-32 and 34 have been amended. No new matter has been added.

Initially, Applicant and Applicant's undersigned representative thank the Examiner for taking the time to meet with them on January 13, 2004 to discuss the subject Application and the pending claims. As will be clear from the claim amendments and below-provided remarks, Applicant has addressed the Examiner's concerns and rejections as discussed during the January 13, 2004 interview. The Examiner is encouraged to contact Applicant's undersigned representative if the claim amendments and remarks do not sufficiently address the Examiner's concerns so that Applicant can quickly address her concerns to expedite passage to issue of the subject Application.

Claims 1, 12 and 20 are independent.

On page 4 of the Office Action, Claims 3 and 34 were rejected under 35 U.S.C. §112, second paragraph on the grounds that a user cannot verify the system. Applicant has amended Claims 3 and 34 to address this rejection. With respect to Claim 3, applicant has amended Claim 3 to recite that the unique identifier is "visible to the validated user to allow the user to verify the integrity of the validated user's vote as indicated on the official ballot." With respect to Claim 34, applicant has amended that claim to remove specific reference to validation and verification. Applicant therefore respectfully requests the withdrawal of this rejection.

In paragraph 1 of the Office Action, Claims 1-9 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,875,432 (Sehr). Applicant respectfully asserts that independent Claim 1, as amended, is neither taught nor suggested by Sehr.

Features of amended independent Claim 1 include a software component arranged to “assign a unique identifier corresponding to an official ballot . . . cause the computer to output a voting stub and the official ballot on the output device, the official ballot and the voting stub including the unique identifier corresponding to the official ballot” (emphasis added). Support for these amendments can be found in the specification at least in FIGS. 1 & 9, and in the specification in paragraphs [0029], [0034], [0037] and [0043]. These features are neither taught nor suggested by Sehr or any other art cited in the subject application.

As recited in amended Claim 1, the subject invention assigns a unique identifier to the official ballot and prints this unique identifier on both the voting stub and official ballot. This arrangement advantageously allows for subsequent audit by the voter to ensure that the vote recorded electronically is the vote proffered by the voter at the time the vote was cast. Put another way, the present invention advantageously allows a voter to confirm that the vote tendered on the official ballot matches the vote recorded in the electronic voting database. This can be done, for example, by allowing the voter to access the vote tabulation database using the unique identifier to retrieve his or her vote.

In contrast, Sehr is directed toward a computer-based voting system in which a voter is provided with a voting identification card and the system is arranged to verify the authenticity of the card and/or the voter prior to allowing the voter to cast his or her vote (see abstract, FIGS. 6A, 6B and 7, as well as column 5, line 52 to column 6, line 55). As such, Sehr is concerned with the provision of a card to a voter in which the voter’s voting rights are electronically stored

on the card (column 7, lines 24-26). Unlike the present invention, Sehr is concerned with and teaches the portion of the voting process leading up to the point where a voter casts his or her ballot.

In contrast, as recited in amended Claim 1, Applicant's invention relates to the portion of the voting process of casting the vote and providing a mechanism for allowing a voter to verify that his or her vote was accurately recorded. This verification is facilitated by "assign [ing] a unique identifier corresponding to an official ballot . . . and cause [ing] the computer to output a voting stub and the official ballot on the output device, the official ballot and the voting stub including the unique identifier corresponding to the official ballot." Sehr is silent as to the output of a ballot and a stub in which both the output ballot and the stub are imprinted with a unique identifier corresponding to the ballot. Further, in contrast to Applicant's invention as recited in amended Claim 1, Sehr's identification number is a secret number, not made available to the voter, which is used to identify the voter (and not the vote cast by the voter in the form of the official ballot) (column 7, lines 54-58).

In sum, Sehr does not teach or suggest Applicant's invention as recited in amended independent Claim 1 because Sehr does not teach or suggest the use of a unique identifier for an official ballot nor an arrangement in which "the official ballot and the voting stub includ[e] the unique identifier corresponding to the official ballot." Accordingly, Applicant respectfully asserts that amended Claim 1 is patentable and accordingly requests the withdrawal of the rejection of this claim.

In paragraph 2 of the Office Action, Claims 6, 10-11, 20, 26 and 30-34 were rejected under 35 U.S.C. §103 as patentable over U.S. Patent Number 5,875,432 (Sehr) in view of U.S. Patent Number 6,250,548 (McClure). Applicant respectfully asserts that neither Sehr nor

McClure, whether taken alone or in combination, teach Applicant's invention as recited in amended independent Claim 20. Features of amended independent Claim 20 include printing an official ballot, the official ballot including a unique identifier, corresponding to the official ballot; allowing the potential voter to confirm that the printed official ballot represents the voter's voting instructions and printing a stub, the stub including the unique identifier." Support for these amendments can be found at least in the portions of the Application identified above with respect to the amendments made to independent Claim 1.

As discussed above with respect to Claim 1, Sehr does not teach or suggest printing a ballot in which the ballot includes a unique identifier corresponding to the ballot nor printing a stub which includes the unique identifier. Similarly, because Sehr is directed toward voter and voting card authentication and not ballot identification and verification, Sehr does not teach or suggest, "allowing the potential voter to confirm that the printed official ballot represents the voter's voting instructions."

McClure is directed toward an electronic voting system in which the electronic voting stations can be configured to display and accept input for a particular ballot (column 10, lines 21-39). As part of the voting process, the voting tablet separately or through the use of an overlay accepts user input in the form of key depressions (column 18, lines 19-27). McClure, like Sehr, does not teach or suggest the above-recited features of amended independent Claim 20. McClure does not teach or suggest the use of a unique identifier for each ballot proffered by a user, nor printing the unique identifier on the printed ballot containing the user's vote and voting stub. Applicant's arrangement advantageously facilitates subsequent verification by the user once the vote is completed that the user's vote represents the vote stored electronically.

The Office Action at page 9 states that McClure, at Column 15, lines 50-52, teaches the use of a printer to print out election records. Unlike Applicant's claimed invention, this portion of McClure teaches the use of auditing and summary information such as "precinct result totals, pre-election test results, and zero counts and error messages" (column 15, lines 60-62). Nothing in the cited section teaches or suggests the printing of a unique identifier on a ballot or on a voting stub. Further, the Applicant respectfully asserts that McClure provides no motivation for the use of an output device which is used to print an official ballot and voting stub, each containing the unique identifier.

In sum, neither McClure nor Sehr, whether taken alone or in combination, teach or suggest Applicant's invention as recited in amended independent Claim 20 in which the official ballot "including a unique identifier corresponding to the official ballot" is printed, "allowing the potential voter to confirm that the printed ballot printed represents the voter's voting instructions and printing a stub, the stub including the unique identifier." Applicant therefore respectfully requests that amended Claim 20 is patentable and respectfully requests the withdrawal of the rejection of this claim.

In paragraph 3 of the Office Action, Claims 10 and 23 were rejected under 35 U.S.C. §103 as unpatentable over Sehr in view of US Patent number 6,047,052 (Sakai). Applicant notes that Claim 10 indirectly depends from amended independent Claim 1, and Claim 23 depends indirectly from amended independent Claim 20. Both Claim 1 and Claim 20 are believed to be patentable based on the arguments presented above. Claims 10 and 23 are believed patentable by virtue of their dependency from patentable independent Claims 1 and 20. As such, Applicant respectfully requests the withdrawal of the rejection of these claims.

In paragraph 4 of the Office Action, Claims 12-19, 28 and 29 were rejected under 35 U.S.C. §103 as unpatentable over Sehr in view of US Patent number 6,311,190 (Bayer). Claims 28 and 29 have been cancelled, thereby rendering the rejection of these claims mute. Features of amended independent Claim 12 include “producing a first tangible record of the response including a unique identifier corresponding to the response . . . producing a second tangible record of the response . . . and using the unique identifier to allow a user to confirm that the second tangible record represents accurate user intent” (emphasis added). Support for these amendments can be found at least in the portions discussed above with respect to amended independent Claim 1. As noted above, Sehr is directed toward the configuration and authentication of a voter’s identification card and not a ballot or receipt. As such, Sehr is silent as to producing a first record of the voter’s response in which the first tangible record includes a unique identifier corresponding to the response. Further, Sehr is silent as to producing a second tangible record of the response and using the unique identifier to confirm that the second tangible record represents accurate user intent. This is the case because Sehr does not teach the production of either a first tangible record of the response or a second tangible record of the response. Accordingly, Sehr does not teach or suggest the above-described features of amended independent Claim 12.

Bayer is directed toward a system for conducting surveys in different languages using a computer network. Bayer teaches the assembly of a survey in a particular language and providing that survey to a user’s computer using a network (column 2, lines 60-64). However, Bayer does not teach or suggest producing two tangible records of the response in which one tangible record includes a unique identifier corresponding to the response such that “the unique

identifier [is used] to allow a user to confirm that the second tangible record represents accurate user intent.”

Accordingly, neither Sehr nor Bayer, whether taken alone or in combination, teach or suggest “producing a first tangible record of the response including a unique identifier corresponding to the response, producing a second tangible record of the response . . . and using the unique identifier to allow a user to confirm that the second tangible record represents accurate user intent.” Applicant therefore respectfully asserts that Claim 12, as amended, is patentable and respectfully requests the withdrawal of the rejection of this claim.

Claims 2-11, 13-19, 21-27 and 30-34 are each dependent either directly or indirectly from one or another of independent Claims 1, 12 and 20, discussed above. These claims recite additional limitations which, in conformity with the features of their corresponding independent claim, are not disclosed or suggested by the art of record. The dependent claims are therefore believed patentable. However, the individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

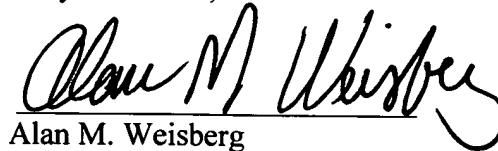
For all of the above reasons, the claim objections are believed to have been overcome placing Claims 1-27 and 30-34 in condition for allowance, and reconsideration and allowance thereof is respectfully requested.

The Examiner is encouraged to telephone the undersigned to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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